

**SITUATION REPORT NO. 35**  
**INCIDENT NO. 99-009**  
**DATE: September 30, 1999      TIME: 2:00 p.m.**

TO: Governor Edward T. Schafer  
State Capitol  
Bismarck, ND 58505

1. NATURE OF DISASTER: Storms and flooding – Above normal soil moisture content throughout North Dakota, compounded by seven years of flooding and additional precipitation, has resulted in overland, river and flash flooding and ground movement (landslides and mudslides). Excessive high winds associated with storm and tornado activity have contributed to ongoing problems faced by North Dakotans.

2. DEATHS AND INJURIES: No change from previous reports.

3. DAMAGES: On September 30, Devils Lake measured 1,446.79 feet at Creel Bay.

N.D. Department of Human Services Crisis Counseling officials have identified increased situations of depression, stress and marital discord among disaster victims. Those being counseled have also reported lung problems and allergies.

4. RESOURCES:

LOCAL: No change from previous reports.

STATE: No change from previous reports.

FEDERAL: No change from previous reports.

5. VOLUNTEER ACTION: The Salvation Army is establishing a program to assist people in the Devils Lake area with their NFIP premiums for one year if they register with FEMA; are low income (qualified for earned income credit on 98 taxes); filed an application for the Community Restoration Program; have a home at or below elevation level of 1,453 feet; provide copy of 1998 tax return; provide proof of ownership of home (taxes, mortgage papers); and, provide a copy of statement of billing from insurance company (payment sent directly to insurance company).
6. MAJOR ACTIONS: State, local and tribal officials announced on September 23 that they had agreed to pursue a joint plan to provide relief at Devils Lake. Main points of the plan are:

- Development of a channel to Stump Lake, which will provide immediate flood relief at Devils Lake and will improve water quality on East Devils Lake, making any outlet more effective and reducing impacts downstream;
- Pursuit of a temporary emergency outlet at Twin Lakes with the cooperation of Spirit Lake Nation, which has been severely injured by the flooding of Devils Lake;
- Pursuit of a permanent outlet by the U.S. Army Corps of Engineers by insisting upon decisions, applying political pressure, seeking cooperation from federal agencies and urging the President to direct federal agencies to coordinate and act on Devils Lake;
- Cooperation on an emergency control structure in the event the federal government fails to build an outlet at Devils Lake. Such a facility would be a version of the city's recent proposal, providing flood relief to Devils Lake and protecting downstream communities from the devastating flooding that would occur from an uncontrolled release of water into the Sheyenne River; and,
- Urge governments at all levels to manage water throughout the basin more effectively.

The state of North Dakota has received a Secretarial Disaster Declaration from the U.S. Department of Agriculture (USDA) for 37 counties that have sustained production losses. In addition, 16 counties have been named as contiguous counties. Counties designated as primary natural disaster areas include: Adams, Barnes, Benson, Bottineau, Burke, Cass, Cavalier, Dickey, Divide, Dunn, Eddy, Foster, Golden Valley, Grand Forks, Griggs, LaMoure, McHenry, McIntosh, McLean, Morton, Mountrail, Nelson, Pembina, Pierce, Ramsey, Ransom, Renville, Richland, Rolette, Sargent, Steele, Stutsman, Towner, Traill, Walsh, Ward and Wells. Contiguous counties are: Billings, Bowman, Burleigh, Emmons, Grant, Hettinger, Kidder, Logan, McKenzie, Mercer, Oliver, Sheridan, Sioux, Slope, Stark and Williams. Thus all 53 counties are included in the USDA declaration, which provides family-sized operators with low-interest loans from the Farm Service Agency (FSA).

Officials for the state of North Dakota, the Federal Emergency Management Agency (FEMA) and the U.S. Small Business Administration (SBA) have informed disaster victims that their funding for repairs will not be revoked if they are unable to complete work because of North Dakota's short construction season. They are urged to complete exterior work, including gutters and drain spouts, as well as landscaping. Work that can take place in winter months includes installing interior drain tile systems and sump pumps.

Following is a summary of the September State Flood Coordination Center meeting. Group discussions took place as follows:

## **North Dakota Emergency Management**

Disaster recovery program costs for the 1999 flood are expected to reach \$70 million, making it the second largest disaster in North Dakota's history. The 1997 flood was the most catastrophic disaster.

The counties of Benson, Nelson and Ramsey are in the process of establishing a Multi-Hazard Mitigation Plan for their counties. This plan includes resource information specific to each county and the identification of hazards that could affect all communities. The local officials have completed, or are close to completing, the basic plan and resource list for their counties. They have also started a hazard analysis on flooding, including overland (sheet), flash and basin flooding. A preliminary draft of the flood analysis section will be completed by the end of September. The counties have been pushing hard in the last month to establish a baseline for mitigation. They have been using information developed by the State Water Commission, special task forces, county plans and other documents to ensure an inclusive plan that will meet the needs of the area.

The State Hazard Mitigation Team has received 61 applications for the Hazard Mitigation Grant Program (HMPG), including four from the Devils Lake area. Applications include relocation of Devils Lake area utility lines owned by Ramsey County Rural Utilities and three acquisitions projects to include a buyout of homes in the city of Churchs Ferry, a grain elevator, also located in Churchs Ferry, and six homes located north of the flood-threatened Military Road in Ramsey County.

Based on total disaster costs exceeding cost share criteria for the 1999 flood disaster, state officials have requested a cost share adjustment from 75 (federal)-25(state and local) percent to 90/10 percent. Federal officials are reviewing the request.

## **Federal Emergency Management Agency (FEMA)**

Disaster victims in North Dakota have until October 1 to register for assistance. Disaster workers have reported that some North Dakotans have been reticent to apply for assistance, unduly concerned that their claims may limit assistance available for the victims of Hurricane Floyd. FEMA staff, however, has been assuring North Dakota victims that this concern is unfounded.

Staffs from FEMA Community Relations, N.D. Aging Services and local aging services offices have been working with elderly disaster victims, encouraging them to register for assistance. They estimate more than 50 percent of those eligible individuals need to make application, but have not done so.

## **N.D. Highway Patrol**

The N.D. Highway Patrol continues to work closely with Benson and Ramsey County Sheriff's Departments to encourage safe travel in the Lake Region. Many roadways have been affected by the flood, and an increase in road construction has resulted.

Troopers continue to investigate complaints related to road conditions and construction activity in our area. The Highway Patrol has had numerous

complaints regarding traffic problems on N.D. Highway 20 south and U.S. Highway 2 Highway east. Excessive speed and failure to obey flag personnel in construction zones have been the most frequent problems.

The Highway Patrol will also continue to work closely with the N.D. Department of Transportation in regard to pedestrian and parking problems in construction zones and on bridges.

### **N.D. State Water Commission (SWC)**

The State Engineer has informed officials for the city of Devils Lake that a request for a permit to drain water from Tolna Coulee from Stump Lake has been denied due to water quality concerns that would effect downstream communities and fisheries on the Sheyenne and Red Rivers. The city had hoped to construct an emergency spillway to provide some flood relief at Devils Lake. The water at Stump Lake, which would spill into the Sheyenne, exceeds water quality standards by about 10 times, making the spillway less effective and more threatening to fisheries and people.

Devils Lake is currently at approximately 1446.7 feet MSL, only 0.4 feet lower than the all-time recorded daily high of 1447.1 feet MSL that occurred this past summer. Due to the small amount of net evaporation, the National Weather Service (NWS) revised its forecast lake elevation from 1447 to 1447.5 feet MSL. Since vegetation will no longer be using water and cooler weather will bring about decreased evaporation, it is expected that with normal precipitation the lake will begin rising soon and peak sometime this fall.

The SWC has applied for a 404 permit from the U.S. Army Corps of Engineers (USACE) to excavate portions of the channel between Devils Lake and Stump Lake. As part of the permit process, the USACE held a hearing in Devils Lake August 30 to get public input for the project. The public comment period is now closed, and the USACE is in the process of reviewing the comments.

The state is continuing to pursue the possibility of a temporary emergency outlet from the Twin Lakes area. As currently envisioned, this project could remove nearly one foot of water off the lake each year.

The SWC and local water boards have completed a control structure on Sweetwater/Morrison Lake. The new structure will allow Sweetwater-Morrison Lake to be held 0.5 feet higher during the summer months, thereby holding 3,500 acre-feet of the normal yearly peak of Devils Lake. The new control structure should also help reduce flooding in the Morrison Lake area.

The State Water Commission and North Dakota Wetlands Trust entered into an agreement to combine their water storage programs to provide longer term water storage contracts for interested individuals within the Devils Lake Basin. The SWC's water storage program, Available Storage Acreage Program (ASAP), stored approximately 15,000 acre-feet in 1999.

Public Meetings have been scheduled by FEMA Region VIII to discuss Devils Lake area preliminary Flood Insurance Rate Maps (FIRMs), which were recently revised. This second generation of preliminary FIRM, shows the elevations of the 100-year flood, the wave run-up areas of the 100-year elevation and an area coinciding with the elevation of 1,460 feet MSL. This area, 1,460 feet MSL and below, labeled "Area of Special Consideration" (ASC) is a mapping feature that is part of the National Flood Insurance Program's (NFIP's) nationwide approach to consistently deal with the flooding of closed basin lakes. The dates and locations of these meetings are:

Wednesday, October 13, 1:30 p.m. - Ramsey County Courthouse, Devils Lake, for: Ramsey County, Churchs Ferry and the townships of Creel and Coulee;

Wednesday, October 13, 7:00 p.m. - Minnewaukan (location to be established) for: Benson County and Minnewaukan;

Thursday, October 14, 9:00 a.m. – Fort Totten (location to be established) for: Spirit Lake Tribe; and,

Thursday, October 14, 5:30 p.m. - @ Devils Lake city offices for: City of Devils Lake.

Towner County and Nelson County will also be getting FIRMs identifying the ASC in areas 1,460 feet MSL and below in the near future.

#### **N.D. Department of Transportation**

The N.D. Highway 57 Narrows crossing was scheduled to be opened to traffic at 4 p.m. on September 24 with a grand opening slated for September 27. The inundated road had been elevated, and a bridge was constructed to 1,464.5 feet. There have been numerous delays in preparing the project for the opening, but it now appears that the contractor is completing most of the final details so that the crossing will be safe for motorists. Hot bituminous pavement will be placed on the crossing yet this fall.

Contractors are making good progress on grade raises to elevate N.D. Highway 20, north of Acorn Ridge and near Camp Grafton, and on N.D. Highway 57 south of the Spirit Lake casino. The roads will be elevated to 1,452 feet. Neither project will be completed this year, but both will be at such an elevation that a rise in lake level next spring will not cause any problems. On both projects, it is planned to have a temporary asphalt surface for the winter months.

N.D. Highway 20 at the Narrows will be closed to traffic during the week of September 26-October 1 to allow a contractor to repair the roadway at each end of the bridge. This work is being done in advance of paving the crossing with hot bituminous pavement to repair damage from hauling and get the crossing in shape for winter travel.

The grade raises on N.D. Highway 20 at Mission Bay and Black Tiger Bay are nearly complete and will be paved soon. The final grade will be approximately 1,452.75 feet.

The department is planning to let a project next spring to raise N.D. Highway 1 at Stump Lake. The road is presently at approximately 1,411 feet. Preparation of plans and right-of-way acquisitions are active at this time.

A consulting engineer has been hired, and several planning meetings have been held, on work to protect the flood-threatened U.S. Highway 2 west of Devils Lake. If severe flooding is experienced next spring, the department is preparing plans to complete bridge work on the Mauvais Coulee next year to keep U.S. Highway 2 open to traffic.

Bids were received last week on a special contract to perform emergency riprap repairs on all the area lake crossings if high winds this fall cause erosion, damage to riprap or heavy debris deposition. The contractor on this project will be required to react on very short notice to make necessary emergency repairs.

The department is participating in the installation of new stream gauges in the East Devils Lake - Stump Lake area to better define water elevations and flows in the area.

The first meeting of the Federal Highway Administration (FHWA) Devils Lake Transportation Task Force was held in Devils Lake September 20-21. The purpose of the task force is to develop plans for the area transportation system, which will be sent to the FHWA Washington office to see if special funding can be arranged to cope with the emergency situation. The Task Force is made up of federal, state and local officials.

#### **Devils Lake State Parks, N.D. Parks and Recreation Department**

Shelvers Grove: The day-use area entrance road was flooded, and vehicle access to the day-use and picnic shelter area were closed all season. Erosion occurred on the campground entrance road, and riprap was placed to provide vehicle access to the campground. All facilities in the campground were operational this season. Sections of the campground road are at 1,448.5 feet, and problems will occur if the lake rises in 2000. The park may be closed if the lake raises above 1,448 feet.

Grahams Island: Parks staff members are waiting for approval from FEMA to begin construction on relocating the assistant manager's residence. Parks staff anticipate final approval on the environmental assessment by October 1. Lake levels this year reduced the camping facilities to six modern and 40 primitive campsites. The remaining facilities in the park functioned adequately this season.

Black Tiger Bay: The boat ramp and parking area were raised to elevation 1,449 feet. Additional riprap was placed this summer to protect the boat ramp and

parking area from erosion and flooding. Total costs for the grade raise and rip rap were \$40,000, funded by the N.D. Game and Fish Department.

The facility will be operational in 2000 up to a lake level of approximately 1,448.5 feet. A lake elevation of 1,448.5 feet will flood all of the remaining property managed by the department. Raising the boat ramp and parking area will be dependent on available funds. The boat ramp at Black Tiger Bay may have to be moved to a new location depending on next year's lake levels.

### **N.D. Game and Fish Department**

Boat access projects and expenditures at Devils Lake in 1999 are as follows:

East Bay: The parking area was raised and riprapped to an elevation of 1,449 feet MSL. The boat ramp was also extended to 1,449 feet MSL. The Game and Fish Department paid about \$47,000 to raise this site in 1999.

Minnewaukan Site: The boat ramp was raised to an elevation of 1,449 feet MSL, and the parking area was also raised. The Game and Fish Department also cost-shared with the Minnewaukan Community Club on a fish cleaning station. Total 1999 Game and Fish expenditures at this site were approximately \$26,000.

Black Tiger Bay: This site required raises to a parking lot and access road, as well as riprap. The top of the ramp is at about 1,449 feet MSL. The N.D. State Parks coordinated the work, and the Game and Fish Department paid for the work (\$37,500).

Total Game and Fish Department Devils Lake boat access expenditures for 1999 were approximately \$110,000.

Potential boat access work for next summer could include site raises or relocation to East Bay, Black Tiger Bay and Minnewaukan ramp sites, which are currently only two feet above the lake level. Creel Bay and Six Mile Bay boat ramps are currently more than two feet above the lake level. These ramps can be extended if needed.

### **N.D. National Guard**

Because of the grade raise along nearby N.D. Highway 20, the entrance to Camp Gilbert C. Grafton is too steep and poses a safety risk. Camp staff has been working to relocate existing front gate structures. Also, an abandoned reservoir, north of the main gate, will be demolished.

Camp officials reported that nearly \$50,000 has been spent on temporary erosion control measures along the camp's southwest shoreline. Camp staff is working on design of a permanent protection project for approximately 6,000 feet of shoreline, which is expected to cost at least \$1.5 million.

A private residence along the shoreline with a walkout basement elevation of 1,451.6 feet may need relocation if Devils Lake continues to rise next year.

### **N.D. Department of Agriculture**

Repetitive flood-related problems continue to take their toll on the state agricultural economy. Farm foreclosures have more than doubled statewide in North Dakota during past year. Foreclosures have risen from 16 in 1998 to 33 as of August 31, the N.D. Department of Agriculture reported. Voluntary conveyances have also more than doubled, from 11 in 1998 compared to 26 as of August this year. Only 10 new mediation cases were recorded in 1998 by the Department of Agriculture compared to 33 as of August this year.

Because of the poor farming economy, many farmers have been forced to restructure their loan payments. By the end of this year, most borrowers will have used two restructuring options afforded to them under the terms of their Farm Service Agency (FSA) loan. During January 1 to August 31 in 1998, 466 of the 4,195 FSA borrowers, or 11.9 percent, were delinquent on their payments. During that same time period in 1999, 425 of the 4,074 borrowers, or 11.1 percent, were delinquent. Of those borrowers, 805 live in the northeast portion of the state, 101 of whom, or 12.4 percent, are delinquent. Most payment dates are after January 1 each year.

### **North Central Planning Council (NCPC)**

The Benson/Ramsey Diking Program is nearing its final closeout. In July, additional funds were obtained and utilized to assist individuals in protecting their property. Currently, the remaining funds have been allocated to other projects. NCPC continues to assist Ramsey County Rural Utilities in an effort to secure funding for the relocation of sewer lines in the Acorn Ridge area and water lines also at Acorn Ridge and Six Mile Bay areas.

### **Ramsey County Emergency Management**

Officials of counties in the Devils Lake Basin have requested that the NFIP reconsider its deadline of October 31, 1999, for people to qualify for an endorsement under the insurance requirements. They ask that the date be set at January 1, 2000. They also requested that NFIP re-open discussions to expand "imminent danger" criteria to include the NWS forecast for Devils Lake, basement elevations, distance of structures from the lake and inflows from coulees. Ramsey County officials estimate that the cost to relocate nine flood-threatened homes along Military Road will be approximately \$1 million. Acquisition costs for 42 homes in Churchs Ferry would cost approximately \$2.5 million. HMPG applications have been submitted to North Dakota Emergency Management for both projects.

Efforts to relocate structures along the Devils Lake shoreline are nearing completion for this year. The Cove, a restaurant and lounge in the Woodland Resort area, is among the structures slated for moving.

### **Ramsey County Rural Utilities (RCRU)**

This spring, RCRU lost a lift station in Eagle Bend Subdivision. The utility has lost 50 lift stations to date to Devils Lake flood waters.

The utility company is in the process of rerouting a main sewer line in the Woodland Resort area. Work includes installing a new lift station and manholes. This new line will help protect the west side homes and businesses from loss of the sewer service as this area is currently threatened by floodwaters.

RCRU is in danger of losing sewer service south along N.D. Highway 20 as a result of work to raise the highway. RCRU has approximately 30 feet of fill on top of its main sewer line that serves about 40 residences. The water line in this area has already been lost. This water line was the emergency line to fill RCRU's water tower. Rerouting the water and sewer main lines in this area has an estimated cost of \$338,650. This money has been applied for from various agencies, but at this time, none has been committed.

Another concern is the water line crossing Six Mile Bay Bridge. RCRU officials are concerned that the ice will take out this line. Again, money has been requested for rerouting around Six Mile Bay, and the estimated relocation cost is \$623,310. Grahams Island Park and five residences will lose water service if the ice takes out the line.

RCRU is losing homes in the Lakewood area and, without some type of protection, the lake could be in the middle of Lakewood next summer if Devils Lake continues to rise. RCRU would most likely lose more sewer service due to inundation of manholes.

### **City of Churchs Ferry**

The Churchs Ferry Flood Task Force held a town meeting on September 15 to discuss the city's plan to pursue funding for acquisition of homes within the city. Nearly 80 percent of the town's 113 residents attended the meeting. During the meeting, the town's task force, which is comprised of five city council members and one resident, expressed concerns for the health and safety of the residents. The city's municipal sewage lagoon system is threatened by rising lake waters.

### **Nelson County Emergency Management**

Nelson County commissioners have set a minimum building elevation of 1,460 feet MSL for permanent dwellings as a base flood elevation for the Stump Lake shoreline. County officials continue to work on sending out the ASC maps and letters in regard to the NFIP endorsement to landowners in the Stump Lake area.

The Tax Equalization Director reports that with the Conservation Reserve Program (CRP) and the N.D., Department of Agriculture's Waterbank Program acres excluded, the inundated acres that have been accepted for tax reduction total 16,622.9 acres. This results in a reduction of \$3,289,261 in total true and full value.

County officials approved a floodplain permit for Sheyenne Electric for a route change due to Stump Lake's potential increase in elevation. Lines will be buried rather than located overhead.

**Nelson County Highway Department**

Two townships have had to turn back Public Assistance funds for road repairs because they are unable to meet the 15 percent match. Their finances have been depleted by repair costs associated with flood damages that have occurred during the past seven years.

Soft road shoulders have contributed to vehicle accidents along county and township roads, including two grain trucks that slipped into sloughs. Highway officials are concerned that roads will become slipperier during winter's snowfalls.

**Benson County Emergency Management**

Benson County officials have reported difficulties reaching matches for Public Assistance dollars. Townships have been forced to turn back funds because they couldn't raise adequate matching funds. Many townships are in debt as a result of damages caused by repetitive flooding.

A contractor is completing riprap work on the entrance road to Grahams Island State Park. Costs for the additional slope protection have been placed at \$660,000.

**General Discussion**

State Flood Coordination Center will resume in early 2000 after the National Weather Service issues its first flood outlook for the Devils Lake Basin. North Dakota Emergency Management will send a meeting notice to all participants.

**Program Updates for FEMA-1279-DR-ND**

Crisis counselors employed through the N.D. Department of Human Services reported that the number of contacts with disaster victims has decreased recently, from 853 during the week of September 12-18 to 489 the week of 19-25. They attribute the decrease to the fact that farmers are trying to complete their work before the first frost. On September 15, Lutheran Rural Response held a two-day training crisis counselors. Topics ranged from depression and stress to food pantry. The State Crisis Counseling coordinator provided an update on the status and plans for a regular services grant from FEMA for the Crisis Counseling Program.

Staff for the state Public Assistance Program has delivered \$14 million in initial project worksheets to 153 eligible applicants. The program has received a total of 293 applications.

North Dakota Job Service has received 6,786 claims for Disaster Unemployment Assistance. As of September 30, \$10,315,100 in benefits has been paid to farmers, ranchers, farm workers, migrant workers and other self-employed individuals who lost income because of the disaster.

To date, 11,872 North Dakotans have registered for assistance through FEMA teleregistration center. Of those, 9,404 have applied for Disaster Housing Assistance. To date, FEMA has paid \$15,095,087 in benefits under the Disaster Housing Program. Of that amount, \$5,590,726 has been designated for

expanded habitability measures designed to mitigate future flood damages. Those measures include interior drain systems, sump pumps, gutters and downspouts, basement fills and land sloping work.

The Individual and Family Grant Program, administered by North Dakota Emergency Management, has received 5,941 applications and approved \$931,448.73 in benefits. The average grant amounts to approximately \$637.

The Small Business Administration (SBA) has sent 9,587 applications to disaster victims and has administered \$7,643,300 in loans as of September 28. Of that amount, 72 percent has been designated for expanded habitability measures.

7. ASSISTANCE NEEDED: Assistance has been provided, as reported.
8. OUTSIDE HELP ON SCENE: FEMA, Bureau of Indian Affairs (BIA), U.S. Army Corps of Engineers (USACE), Red Cross, consulting engineers and members of the N.D. Volunteer Organizations Active in Disaster (VOAD).
9. OTHER: Situation Reports published by the N.D. Division of Emergency Management are posted on the Division's Internet Home page. The address is: <http://www.state.nd.us/dem>.

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Douglas C. Friez, State Director